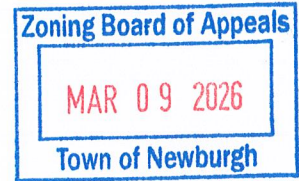




TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550



OFFICE OF ZONING BOARD
DARRIN SCALZO, CHAIRMAN
SIOBHAN JABLESNIK, SECRETARY

TELEPHONE 845-566-4901
FAX LINE 845-564-7802

APPLICATION

DATED: 3/6/2026 _____

TO: **THE ZONING BOARD OF APPEALS**
THE TOWN OF NEWBURGH, NEW YORK 12550

I (WE) Ready Coffee _____ PRESENTLY
RESIDING AT NUMBER 7 Nancy Court, Wappingers Falls, NY 12590 _____
TELEPHONE NUMBER (914) 261-8997 _____

HEREBY MAKE APPLICATION TO THE ZONING BOARD OF APPEALS FOR THE FOLLOWING:

- USE VARIANCE
- AREA VARIANCE (S)
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

Section 60, Block 3, Lot 23 _____ (TAX MAP DESIGNATION)

1422 Route 300, Newburgh, NY _____ (STREET ADDRESS)

IB _____ (ZONING DISTRICT)

2. PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).
Table of Use and Bulk Requirements, IB District, Schedule 8, as defined in Section 185-42_

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED:

b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:
 X _____

4. DESCRIPTION OF VARIANCE SOUGHT: a) The proposed project would be classified as a D6-restaurant and fast food establishment in conjunction with a shopping center, theater or office. This is a stand alone project not in conjunction with any other use; b)lot size: 40,000 SF required, 14,806SF provided; c) rear yard setback: 60 feet required, 40.5 proposed; d) side yard setback: 30 feet required, 18.2 proposed; and e) both side yards: 80 feet required, 62.7 proposed. _____

5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE: Applicant's business would be prohibited under the current application of Table of Use and Bulk Requirements because it is not part of a shopping center _____

(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)

b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE: Other Fast-Food establishments currently operate in the IB zone, located on Route 300 on single tenant parcels not located within Shopping centers _____

c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE: Our direct neighbors are industrial facilities and a self-storage facility with comparable retail tenants in close proximity. _____

d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

In proximity to this location are other Fast-food located on single tenant parcels in the IB zone _____

6. IF AN AREA VARIANCE IS REQUESTED:

a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

The adjacent properties are industrial (Verizon and self-storage) and the new building on the property will occupy less than 1/3 of the footprint of the existing building

b) THE BENEFIT SOUGHT BY THE APPLICANT CANNOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:

In order to maximize stacking of vehicles the building needs to be placed further back on the lot to prevent vehicles from stacking onto Route 300. In addition, the newly crated exit onto the old cinema exit drive allows cars exiting to go either north or south without creating a conflict.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The new building takes up less square footage than the existing building


d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

The entirety of the adjacent tenants are national retailers or industrial uses.

e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

The current building takes up more square footage on the property than our proposed site plan

7. ADDITIONAL REASONS (IF PERTINENT):



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 7 DAY OF MAY 2026



NOTARY PUBLIC

MARIO T PICARELLO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01P16444269
Qualified in Westchester County
Commission Expires 11/21/2026

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 13 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Noreen Owens _____, DEPOSES AND SAYS THAT
HE SHE RESIDES AT 5 Coquina Rd, Hilton Head, SC 29928 _____
IN THE COUNTY OF Beaufort _____ AND STATE OF South Carolina _____
AND THAT HE SHE IS THE OWNER IN FEE OF 1422 Route 300, Newburgh,
NY 12550 _____

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE SHE HAS AUTHORIZED Ready Coffee _____
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 2-23-2020 Noreen Owens

OWNER'S SIGNATURE

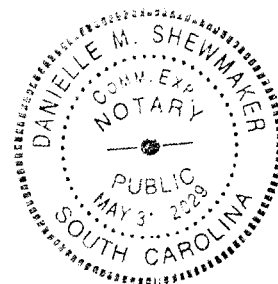
[Handwritten Signature]

WITNESS' SIGNATURE

South Carolina Beaufort
STATE OF ~~NEW YORK~~: COUNTY OF ~~ORANGE~~:

SWORN TO THIS 2 DAY OF February 2020

[Handwritten Signature]
NOTARY PUBLIC



TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

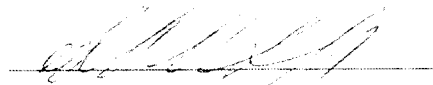
Trevor Owens _____, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 5 Coquina Rd, Hilton Head, SC 29928 _____
IN THE COUNTY OF Beaufort _____ AND STATE OF South Carolina _____
AND THAT HE/SHE IS THE OWNER IN FEE OF 1422 Route 300, Newburgh,
NY 12550 _____

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Ready Coffee _____
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 2/23/26



OWNER'S SIGNATURE

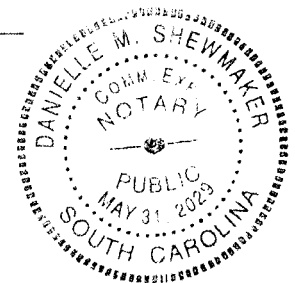


WITNESS' SIGNATURE

STATE OF NEW YORK; COUNTY OF ORANGE;

SWORN TO THIS 23 DAY OF FEBRUARY 2026


NOTARY PUBLIC





ORANGE COUNTY – STATE OF NEW YORK
 KELLY A. ESKEW, COUNTY CLERK
 255 MAIN STREET
 GOSHEN, NEW YORK 10924

GA-CR-549

COUNTY CLERK'S RECORDING PAGE
 THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



BOOK/PAGE: 15354 / 1252
 INSTRUMENT #: 20220088293

Receipt#: 3112589
 Clerk: SM
 Rec Date: 12/27/2022 01:52:38 PM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 4
 Rec'd Frm: GREENACRE ABSTRACT LLC

Party1: OWENS TREVOR
 Party2: OWENS TREVOR
 Town: NEWBURGH (TN)
 60-3-23

Recording:
 Recording Fee 40.00
 Cultural Ed 14.25
 Records Management - Coun 1.00
 Records Management Stat 4.75
 TP584 5.00
 RP5217 All others - State 241.00
 RP5217 - County 9.00

Sub Total: 315.00

Transfer Tax
 Transfer Tax - State 0.00

Sub Total: 0.00

Total: 315.00
 **** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
 Transfer Tax #: 4655
 Commercial Transfer Tax
 Consideration: 0.00

Total: 0.00

Payment Type Check
 Cash
 Charge
 No Fee

Comment

Kelly A. Eskew

Kelly A Eskew
 Orange County Clerk

Record and Return To:

ELECTRONICALLY RECORDED BY INGeo

Sec. 60
Blk. 3
Lot 23

Bargain and Sale Deed with Covenant against Grantor's Acts

THIS INDENTURE, made the 28th day of July, two thousand twenty two

BETWEEN TREVOR OWENS
18 VERDE COURT
MONTGOMERY, NEW YORK 12549

party of the first part, and

TREVOR OWENS and NOREEN OWENS *as husband and wife*
18 VERDE COURT
MONTGOMERY, NEW YORK 12549

party of the second part.

WITNESSETH, that the party of the first part, in consideration of ONE (\$1.00) DOLLAR, lawful money of the United States, paid by the party of the second part, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant and release unto the party of the second part, their heirs or successors and assigns,

ALL that certain plot or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, State of New York, and further described on Schedule "A" annexed hereto and made a part hereof.

Being and intended to be the same premises described in a deed from Brynnl, LLC to Trevor Owens, dated March 31, 2008, and recorded in the Orange County Clerk's Office on May 15, 2008, in liber 1266, page 1934.

Tax Map No.: Section 60, Block 3, Lot 23

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

SUBJECT TO rights of public utilities, cable services, restrictions, covenants and easements of record.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration, if any, for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

2/1/09 10:00 AM

Schedule A Description

ALL that certain plot, piece or parcel of land situate lying and being in the Town of Newburgh, County of Orange and State of New York, bounded and described as follows:

BEGINNING at an iron set in the easterly line of Union Avenue at a point which is 25 feet from the middle of the concrete pavement of the said Avenue, and also being 200 feet, more or less, northeasterly from the line of lands now or formerly of Conrad Fletcher; thence along the side of Union Avenue, North $27^{\circ} 28'$ East, 100 feet to an iron set, thence leaving the road and running thru the lands now or formerly of said Rose S. and Clarice Bayless Vandermark south $71^{\circ} 45'$ East 150 feet to an iron pipe set; thence South $27^{\circ} 28'$ West 100 feet to an iron bar set; thence North $71^{\circ} 45'$ West 150 feet to the place of BEGINNING.

Short Environmental Assessment Form

Part 1 - Project Information

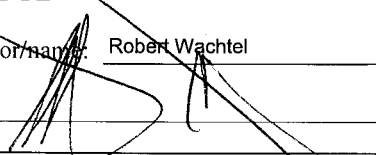
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Ready Coffee - Newburgh, NY			
Project Location (describe, and attach a location map): 1422 Union Avenue (NYS Rte 300) - Newburgh, NY			
Brief Description of Proposed Action: Redevelopment of existing 0.34 acre parcel to include demolition of existing building and construction of new 697 SF one story drive-through coffee establishment with related site improvements including curbs, paving, utility services, storm drainage, etc.			
Name of Applicant or Sponsor: Robert Wachtel		Telephone: (914) 261-8997	
Address: 7 Nancy Court - No. 2		E-Mail: robert@readycc.com	
City/PO: Wappingers Falls		State: New York	Zip Code: 12590
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: NYSDOT - Site Plan Approval			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.34 acres b. Total acreage to be physically disturbed? _____ 0.34 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.34 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES		
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES		
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES		
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
10. Will the proposed action connect to an existing public/private water supply?	NO	YES		
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
11. Will the proposed action connect to existing wastewater utilities?	NO	YES		
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____				

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
On-site storm drainage system _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/manager: <u>Robert Wachtel</u> Date: <u>3/8/26</u> Signature:  Title: <u>Chief Development Officer</u>		

PRINT FORM

James R. Loeb *
Richard J. Drake**
Glen L. Heller †
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Ralph L. Puglielle, Jr.
Alana R. Bartley ††
Aaron C. Fitch

Sarah N. Wilson
Michael J. Barfield ††
Ivan M. Bonet ††

Jennifer L. Schneider
Managing Attorney

* Retired 2025
** Retired 2015; d. 2025
† LL.M. in Taxation
†† Member NY & NJ Bar

February 9, 2026

BY EMAIL ONLY

Darrin J. Scalzo, Chairman
Zoning Board of Appeals
Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

Re: Ready Coffee Amended Site Plan / Planning Board Project No. 26-02

Dear Chairman Scalzo and Board Members:

At the Planning Board's February 5, 2026 meeting, the Planning Board resolved to refer this site plan application to the Zoning Board of Appeals for certain required variances for this proposed drive through coffee facility.

This property is located at 1422 Route 300, designated on the tax map as Section 60, Block 3, Lot 23. The property is located in the IB zoning district. The project requires the following variances:

- a) The proposed project would be classified as a D6- restaurant and fast food establishment in conjunction with a shopping center, theater or office. This is a stand alone project not in conjunction with any other use;
- b) lot size: 40,000 SF required, 14,806SF provided;
- c) rear yard setback: 60 feet required, 40.5 proposed;
- d) side yard setback: 30 feet required, 18.2 proposed; and
- e) both side yards: 80 feet required, 62.7 proposed.

This matter is a SEQRA Type II action. Thank you for your consideration of this matter.

Very Truly Yours,



Dominic Cordisco

cc:

David A. Donovan, Esq., Attorney for the ZBA
Town of Newburgh Planning Board
Patrick J. Hines, Planning Board Consulting Engineer





**AFFIDAVIT OF POSTING(S) OF
NOTICE OF PUBLIC HEARING
AT THE PROPERTY**

STATE OF NEW YORK: COUNTY OF ORANGE:

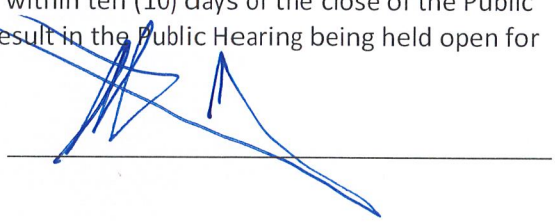
I Robert Wachtel, being duly sworn, depose and say that I did on or before

March 12, 2026, post and will thereafter maintain at

1422 Route 300 60-3-23 IB Zone in the Town of Newburgh, New York, at or near the front

property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.



Sworn to before me this 9

day of March, 2026.

